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Atty. Docket No. GC-10.6-CON

**JAN 17 2005****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

FIRST NAMED INVENTOR:	SERIAL NO:	FILING DATE	ART UNIT:	PAPER NO.
Miller	09/757,202	Jan. 9, 2001	1623	
TITLE:			EXAMINER:	
Water Insoluble Derivatives of Polyanionic Polysaccharides			White, Everett	

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify under 37 CFR 1.8(a) that this correspondence, Reply (5 pages), is being transmitted by facsimile to 703-872-9306, TC 3738 addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia, 22313-1450, on February 17, 2005

  
Name: Carol Celata

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**Application under 37 CFR. 1.705(b)**  
**For Patent Term Adjustment**

Applicant hereby requests that the instant application be credited for 202 days of patent term adjustment under 37 CFR 1.702(a)(2) for failure to take certain actions within specified time frames (i.e. failure to issue an office action within four month of the filing of a reply) or under 37 CFR 1.702 (b) for failure to issue the patent within three years of its filing date of Jan 9, 2001.

Applicant has noted from the Patent Term Adjustment History, from PAIR (copy reproduced at page 3) that applicant's Response after Non-Final which was faxed to the Patent office on May 6, 2002 has been wrongfully entered in the record as of the date of March 28, 2003. The patent office had initially failed to timely process the faxed submission of the response as of the date of its first submission to the Office and wrongfully issued a Notice of Abandonment. Following a petition to rescind the abandonment status and upon competent proof that Applicant had timely submitted the response as of May 6, 2002, the Office of Petition had reinstated the status of the application as

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pending. Unfortunately, the office has processed the date of the response as of the date of the ~~rescission~~ rescission of the status of abandonment (of March 28, 2003) and not the date at which it was originally ~~filed~~ filed (May 6, 2002). Applicant respectfully points out that the delay caused by the Patent Office should be charged to the Office, and not to applicant. Applicants made numerous efforts during that ~~period~~ period to expedite processing of the application by calling customer service for this art unit or the examiner at numerous occasions but to no avail. Applicant has also called upon the examiner for a correction of... the erroneous date entry for the reply also to no avail.

Thus applicant requests a recalculation of the Patent term adjustment with the correct date credited to the May 6, 2002 reply and credit of a patent term adjustment of 202 days (under 37 CFR 703(a)(2) (262 days) as reduced under 37 CFR 1.704(b) (60 days)).

This application has been terminally disclaimed over the term of US patent 6,174,999 and US patent 5,760,200, both of which have a patent term which (running 17 years from their respective issuance) would expire later than the term of the instant application.

Patent No. / Application	Filing date	Issue Date	Earliest claim of priority	Expiration Date
6,174,999	Feb. 11, 1992	Jan. 16, 2001	Sept. 18, 1987	Jan. 16, 2018
5,760,200	Jan. 25, 1995	Jun. 2, 1998	Sept. 18, 1987	Jun. 2, 2015
09/757,202	Jan 9, 2001	---	Sept. 18, 1987	Sept. 18, 2007
With 202 days				Feb. 7, 2008

Thus the granting of the patent term adjustment would not extend the term of this patent beyond the date of expiration of the patents over which this application has been terminally disclaimed.

Applicant believes it is entitled to 202 days of Patent Term Adjustment calculated as follows:

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Patent Term Adjustment History as currently reflected in PAIR:

Patent Term Adjustment History			
Date	Contents Description	PTO (days)	APPL (days)
11-30-2004	Mail Notice of Allowance		
11-29-2004	Issue Revision Completed		
11-29-2004	Notice of Allowance Data Verification Completed		
11-29-2004	Case Docketed to Examiner in GAU		
11-29-2004	Notice of Allowability		
09-24-2004	Date Forwarded to Examiner		
09-21-2004	Response after Non-Final Action		
09-21-2004	Workflow incoming amendment IFW		
06-30-2004	Mail Notification of Terminal Disclaimer - Accepted		
06-30-2004	Mail Non-Final Rejection		
06-28-2004	Non-Final Rejection		
05-19-2004	Notification of Terminal Disclaimer - Accepted		
04-18-2004	IFW TSS Processing by Tech Center Complete		
04-16-2004	Date Forwarded to Examiner		
04-12-2004	Amendment after Final Rejection		
02-24-2004	Mail Final Rejection (PTOL - 328)		
02-20-2004	Final Rejection		
11-07-2003	Date Forwarded to Examiner		
10-27-2003	Response after Non-Final Action		60
10-27-2003	Request for Extension of Time - Granted		↑
05-28-2003	Mail Non-Final Rejection		↑
05-27-2003	Non-Final Rejection		
03-28-2003	Date Forwarded to Examiner		
03-28-2003	Response after Non-Final Action		325
03-28-2003	Mail Notice of Rescinded Abandonment		↑
03-28-2003	Notice of Rescinded Abandonment in TCs		↑
10-01-2002	Mail Abandonment for Failure to Respond to Office Action		↑
09-30-2002	Abandonment for Failure to Respond to Office Action		↑
06-18-2002	Information Disclosure Statement (IDS) Filed		↑
02-07-2002	Mail Non-Final Rejection		↑
02-06-2002	Non-Final Rejection		
03-09-2001	Case Docketed to Examiner in GAU		
02-20-2001	Application Dispatched from OIPE		
02-05-2001	Correspondence Address Change		
01-29-2001	IFW Scan & PACR Auto Security Review		
01-09-2001	Initial Exam Team nn		

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Patent Term Adjustment History Corrected to reflect correct date of submission of Reply of May 6, 2002, rep. 2002-0004, entered on 05/06/2002.

Corrected Patent Term Adjustment History			
Date	Contents Description	PTO (days)	APPL (days)
11-30-2004	Mail Notice of Allowance		
11-29-2004	Issue Revision Completed		
11-29-2004	Notice of Allowance Data Verification Completed		
11-29-2004	Case Docketed to Examiner in GAU		
11-29-2004	Notice of Allowability		
09-24-2004	Date Forwarded to Examiner		
09-21-2004	Response after Non-Final Action		
09-21-2004	Workflow incoming amendment IFW		
06-30-2004	Mail Notification of Terminal Disclaimer - Accepted		
06-30-2004	Mail Non-Final Rejection		
06-28-2004	Non-Final Rejection		
05-19-2004	Notification of Terminal Disclaimer - Accepted		
04-16-2004	IFW TSS Processing by Tech Center Complete		
04-16-2004	Date Forwarded to Examiner		
04-12-2004	Amendment after Final Rejection		
02-24-2004	Mail Final Rejection (PTOL - 326)		
02-20-2004	Final Rejection		
11-07-2003	Date Forwarded to Examiner		
10-27-2003	Response after Non-Final Action		60
10-27-2003	Request for Extension of Time - Granted		⬆
05-28-2003	Mail Non-Final Rejection		⬆
05-27-2003	Non-Final Rejection	262	
03-28-2003	Date Forwarded to Examiner	⬆	
<del>03-28-2003</del>	<del>Response after Non-Final Action</del>	<del>⬆</del>	<del>-326</del>
03-28-2003	Mail Notice of Rescinded Abandonment	⬆	⬆
03-28-2003	Notice of Rescinded Abandonment in TCs	⬆	⬆
10-01-2002	Mail Abandonment for Failure to Respond to Office Action	⬆	⬆
09-30-2002	Abandonment for Failure to Respond to Office Action	⬆	⬆
06-18-2002	Information Disclosure Statement (IDS) Filed	⬆	⬆
<del>05-06-2002</del>	<del>Response after Non-Final Action</del>	<del>⬆</del>	
02-07-2002	Mail Non-Final Rejection		⬆
02-06-2002	Non-Final Rejection		
03-09-2001	Case Docketed to Examiner in GAU		
02-20-2001	Application Dispatched from OIPE		
02-05-2001	Correspondence Address Change		
01-29-2001	IFW Scan & PACR Auto Security Review		
01-09-2001	Initial Exam Team nn		
	Total days (PTO Days - Appl Days)	202	-386

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The 202 days of PTA takes into account the 2 month-extension of time requested by applicant in its submission of the October 27, 2003 reply (as reduced under 37 CFR 1.704(b) (60 days)).

Applicant reasonably believes that there are no circumstances that could constitute a failure on the part of the applicant to engage in reasonable efforts to conclude processing or examination of such application as set forth in 37 CFR 1.704(c).

#### AUTHORIZATION FOR PAYMENT OF FEES

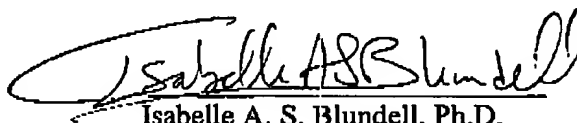
Applicant authorizes the payment of fees due with this submission as designated below or of any additional fee to Deposit Account 07-1074.

Description	37 CFR §	Fee Code	Fee
Filing of an Application for Patent term adjustment	1.18(e)	1455	\$200.00
		Total	\$200.00

Respectfully submitted,

Date: February 17, 2005

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